

THE GAY MURKIN
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katherine MOLNAR-KIMBER et al

Appln. No.: 09/576,951

Group Art Unit: 1618

Filed: May 24, 2000

Examiner: Ponnaluri, P.

For: ANTI-RAPAMYCIN MONOCLONAL ANTIBODIES

PRELIMINARY RESPONSE

Assistant Commissioner
of Patents
Washington, D.C. 20231

Sir:

Prior to examining the above-identified application, please consider the following.

REMARKS

In paragraph 29, on page 16 of the Office Action dated November 24, 1999, in Parent Application Serial No. 08/424,983, the Examiner rejected the claims under 35 U.S.C. § 103 as being unpatentable over WO 92/05179 (Caufield et al) in view of U.S. Patent 5,532,137 (Niwa et al).

Specifically, the Examiner stated that Caufield et al discloses that rapamycin is an antibiotic, as well as position 42 esters thereof. The Examiner noted that the claims of said Parent Application differ from Caufield et al in that said claims recited monoclonal antibodies specific to rapamycin. However, the Examiner contended that Niwa et al teaches methods to produce monoclonal antibodies to FR-900506, where the antibodies are



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